?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 30.04.2019
*CORAM
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
+W.P.(MD).No.9531 of 2019

#P.S.Gunakumar
... Petitioner

~vs~

$1) The District Collector/ Regional
Transport Authority,
(Sivakasi Region),
Virudhunagar District,
Virudhunagar.

2) The Regional Transport Officer,
Sivakasi,
Virudhunagar District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider afresh the petitioner-s application for renewal based on the recommendation of the 2nd respondent and issue a regular permit for stage carriage (Registration No. TN84X 0088) as prescribed under law.

!For Petitioner : Mr.M.Siddharthan

^For Respondents : Mr.N.Shanmugaselvam,
Additional Government Pleader

:ORDER
The instant writ petition has been filed for a Mandamus to direct the first respondent to consider afresh the petitioner-s application for renewal based on the recommendations of the second respondent and issue a regular permit for stage carriage (Registration No. TN 84 X 0088) as prescribed under law.

2. It is the case of the petitioner that the second respondent by his order dated 10.04.2019 kept the application filed by the petitioner for the grant of permanent permit for the aforesaid vehicle, pending on the ground that a civil suit is pending between the petitioner and his brother. However, the second respondent has made it clear that the petitioner is entitled for temporary permit under Section 87(1)(d) of the Motor Vehicles Act, 1988 until the outcome of the Civil suit.

3. Accordingly, the petitioner has been granted temporary permit and has operated the vehicle in accordance with the route permit granted to him.

But now, he seeks for a permanent permit stating that the said vehicle is not the subject matter of the civil suit between the petitioner and his brother. Therefore, he seeks for a direction to the respondents to consider afresh the petitioner-s application for renewal in accordance with law.

4. Heard Mr.M.Siddharthan, learned counsel for the petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents.

5. A categorical stand has been taken by the petitioner in this writ petition that the subject vehicle namely the bus bearing Registration No. TN 84 X 0088 is not the the subject matter of the civil suit filed in O.S.No.66 of 2018 pending on the file of the District Judge, Srivilliputhur. However, the second schedule of the plaint refers to the subject vehicle in the prayer column. But it is the case of the petitioner that no relief is sought for against the aforesaid vehicle and no prejudice will be caused to the petitioner as well as the rival claimant if the application submitted by the petitioner for permanent permit is considered afresh in accordance with law.

6. This Court also finds force in the submissions of the learned counsel for the petitioner. The first respondent, is therefore directed to consider the application after giving adequate opportunity to the petitioner as well as the rival claimant and pass final orders in respect
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of the application for permanent permit submitted by the petitioner in accordance with law. In the result, the first respondent is directed to pass final orders in the application filed by the petitioner seeking for permanent permit which is already pending on the file of the respondent in respect of his vehicle namely, the bus bearing Registration No. TN 84 X 0088, after giving notice to the petitioner as well as the rival claimant and pass final orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, the Writ Petition is disposed of. No costs.

To
1) The District Collector/ Regional
Transport Authority,
(Sivakasi Region),
Virudhunagar District,Virudhunagar.

2) The Regional Transport Officer,
Sivakasi, Virudhunagar District.